

REMARKS

I. Introduction

In response to the Office Action dated July 9, 2007, claims 1-16 and 19-20 are pending in the above-referenced application. Applicants have amended claims 5, 7-8, 11 and 13-14 and canceled claim 20. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 112

Claims 7 and 13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. Claims 5-7, 11-13 and 19-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 7 and 13 to replace the phrase “instruction-wise operation resource table” with “first table.” Support for this amendment may be found, for example, in Figure 2 and the related description. Regarding claims 5 and 11, Applicants have amended the claims to replace the phrase “comment sentence” with “compiler directive”.

In view of these claim amendments, Applicants respectfully request withdrawal of all rejections under § 112.

III. Double Patenting Rejections

Claims 5, 6, 11, and 12 have been rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 2 of U.S. Patent No.

7,191,350 in view of U.S. Patent No. 6,064,818 to Brown. In order to expedite prosecution and without prejudice to the claimed subject matter, a terminal disclaimer is attached hereto to obviate the alleged double patenting. Accordingly, it is respectfully requested that this rejection be withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 5, 7, 11, 13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,790,877 to Nishiyama, in view of U.S. Patent No. 6,064,818 to Brown. Claims 6 and 12 are rejected under 35 U.S.C. Patent No. 103(a) as being unpatentable over Nishiyama in view of Brown, and further in view of U.S. Patent No. 5,452,401 to Lin. Claims 8-9 and 14-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiyama in view of Lin. Claims 10 and 16 stand rejected under § 103(a) as allegedly being unpatentable over Nishiyama in view of Lin and further in view of U.S. Patent Application No. 2006/0168463 to Terechko. Applicants traverse these rejections for at least the following reasons.

Claim 5 recites, among other things, a computer-readable instruction converting apparatus comprising a power control information analyzer, which detects an operation resource based upon the power control management information extracted by the power control manager, the operation resource being not actuated for an instruction section having a predetermined length when the predetermine microprocessor is operated, wherein a detection by the power control information analyzer is executed only for an operation specified by the compiler directive. At least this combination of features is not disclosed or suggested by Nishiyama nor Brown, alone or in combination with each other.

The Examiner refers to column 5, lines 32 – 44 of Nishiyama as allegedly disclosing a power control information analyzer. However, Nishiyama discloses only an instruction for changing clock frequency of a specified operation resource in the step of inserting the instruction after the detection of the operation sequence. By contrast, in the present invention, in the step of detecting an operation resource that is not actuated for an instruction section having a predetermined length when said predetermined microprocessor is operated, the operation resource is specified by the compiler directive, and a detection is executed only for an operation resource specified by the compiler directive.

Brown does not overcome the deficiencies of Nishiyama described above. In fact, the Examiner relies on Brown merely for the alleged disclosure of a comment sentence written in an instruction program. Accordingly, as each and every limitation must be disclosed or suggested by the prior art references in order to establish a *prima facie* case of obviousness (MPEP § 2143.03), and none of the cited references, alone or in combination with each other, disclose or even suggest at least the features recited above, it is respectfully submitted that claim 5 is patentable over the cited references.

Independent claims 8, 11, and 14 include features similar to those described above in reference to claim 5. As such, these claims are patentable over the cited references for at least the same reasons described above.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harress International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, the independent claims are patentable for

at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

V. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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